

### **III. REMARKS**

In the Office Action, objections were raised with respect to Claim 1 at Point 1 of the Office Action. Objection was also raised with respect to claims 3 and 12, as set forth in Point 2 of the Action. Claim 1, 3 and 12 are amended, as is described in further detail below, to overcome the grounds of objection.

Claims 1-2, 4-11, and 13-18 were rejected under 35 U.S.C. 103 as being unpatentable over Havinis (US 6,311,069) in view of King (US 6,313,787) for reasons set forth in the Office Action.

Allowable subject matter was noted in claims 3 and 12, as set forth in Point 6 of the Action.

With respect to the objections raised in Points 1 and 2 of the Action, the following amendments are made to overcome these objections. In claim 1, the wording "a first party" is changed to "the first party" at the second occurrence of this wording in the claim, as requested by the examiner. It is noted that a similar situation occurs later in the claim with respect to "a second party", which is also amended in this response to be "the second party".

Further, with respect to claim 1, it is noted that the first party may be either of the user equipment or the serving mobile location center, and that the second party may be either of the serving mobile location center or the user equipment. This point is clarified by amending the first paragraph of the claim to state that the user equipment and the serving mobile location center constitute first and second parties of the data transmission link.

With respect to claims 3 and 12, in the matter of the usage of the wording "similar to the logical link", this language is simplified to state that logical link control protocol provides control protocol between a mobile station and a support node.

With respect to the rejections under 35 U.S.C. 103, the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, thereby to overcome the rejections, and to show the presence of allowable subject matter in the claims.

Havinis discloses that a mobile subscriber being positioned is notified of the received positioning request. The identity of the requesting Location Application may also be notified. An object of Havinis is to enhance the privacy of the mobile subscriber. Havinis does not teach or suggest realization of the location service in a packet-switched radio system.

King, as discussed in the previous response, does not disclose material relating to the location service in the packet-switched radio system. An object of King is to provide a location procedure with a high degree of accuracy and a low power consumption. King does not even recognize a packet-switched radio system, and describes only a conventional GSM cellular system (col. 8 at lines 28-30). The GSM protocol stack of King's Fig. 4 is unable to operate in a packet switched radio system.

In contrast, the protocol stack of the present invention is able to operate in a packet switched radio system. In the practice of the present invention, a modified third-layer radio resource

protocol RRLP-PS is set on top of the packet control stack of the mobile station, and a modified logical link protocol LLC-LE is set on the second layer. The abbreviation "PS" refers to packet switching, and the abbreviation "LE" refers to a location extension required by the location service to the protocol.

An object of the present invention is to operate a user equipment location service in a packet-switched radio system. Any disclosure by the prior art of such location service in a GSM network, such as in a circuit-switched radio system, does not apply to a packet-switched radio system and, furthermore, the prior art does not disclose location service in a packet-switched radio system. Present claims 1 and 10 define novel protocols that are needed in order to realize a location service in a packet-switched radio system. The prior art does not give any suggestion of the protocols needed for the location service in the packet-switched radio system.

At the bottom of page 4 of the Office Action, the examiner states that it would be obvious to employ the GPS of King in the system of Havinis to arrive at the presently claimed invention, and states further that motivation for such combination of their teachings is found in col. 1 at lines 40-47. The specific reference to which the examiner refers is omitted. In Havinis, if this is the intended reference, there is a description of a cellular network with a mobile switching center and a base station controller, but no discussion of protocol and layers of a radio resource protocol. In King, if this is the intended reference, there is a teaching that the position of a mobile station is determined by monitoring mobile station transmissions at several base stations, by use of time of arrival measurements, and that an improvement in precision would be desireable.

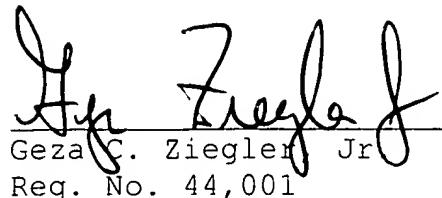
However, there is no discussion of protocol and layers of a radio resource protocol.

It is urged that the examiner has not presented a showing of motivation to combine the two references, Havinis and King. Possibly, the Examiner has used hindsight by selectively picking various features of the two references to defeat patentability of the present invention. Therefore, it is believed that the present invention presents novelty over the teachings of the cited art, considered individually and in combination.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$120.00 is enclosed for a one-month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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Reg. No. 44,001

23 Nov 2005

Date

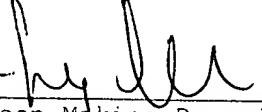
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